

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ROBERT JOHN MONTERROSA,

Plaintiff,

No. CV02-6304-JE

ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATION

v.

TERRENCE ANDERSON and SONIA
HOYT, in their official and individual
capacities,

Defendants.

MOSMAN, J.,

On March 30, 2006, Magistrate Judge Jelderks issued Findings and Recommendation ("F&R") (docket #41) in the above-captioned case recommending that defendants' motion for summary judgment (#29) be granted and plaintiff's cross motion for summary judgment (#37) be denied. Neither party filed objections. After the court adopted (#44) the F&R, plaintiff filed a motion (#46) for an extension to respond to the F&R. The court granted (#47) plaintiff's request, and extended the deadline for filing objections to June 1, 2006. As of June 23, 2006, neither party has filed objections.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is

made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the appropriate materials, I ADOPT Judge Jelderks' F&R without modification.

IT IS SO ORDERED.

DATED this 26th day of June, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court